

Office of the Chapter 13 Standing Trustee

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February 11, 2025

The Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court
P.O. Box 2067
Camden, New Jersey 08102

**RE: Chapter 13 Bankruptcy
Case No. 23-14819 (ABA)
Debtor(s) Name: Josephine Miller**

Dear Judge Altenburg:

Please accept this letter in lieu of a more formal response to Debtor's Motion to Vacate Dismissal Order, which is returnable Tuesday, February 25, 2025, at 10:00 a.m.

Debtor filed for Chapter 13 Bankruptcy protection on June 2, 2023. Debtor's case was confirmed on June 26, 2024, at \$2,420 paid to date, then \$168 for 47 months to pay administrative fees totaling \$3,565, cure pre-petition mortgage arrears due to Bank of America in the amount of \$976, cure pre-petition mortgage arrears due to PNC Bank in the amount of \$2,143.50, with a minimum base of \$2,590 to unsecured creditors who filed timely claims.

On September 17, 2024, an Order Resolving Motion for Relief from the Automatic Stay was entered requiring Debtor to pay the full balance due to PNC Bank in the amount of \$26,989.53 through the Chapter 13 Plan. The Order makes Debtor's case unfeasible as confirmed.

On November 6, 2024, Debtor filed a Modified Chapter 13 Plan with the Court increasing the plan payments from \$168 to \$1,016 per month commencing with the payment due November 1, 2024. As such, a Modified Chapter 13 Plan Confirmation hearing was scheduled for December 11, 2024.

The Trustee recommended the Confirmation hearing scheduled for December 11, 2024, be adjourned to January 8, 2025, for service of the modified plan to be performed and for Debtor to demonstrate how the increase in plan payments is feasible. Upon reviewing the case for the rescheduled hearing, service of the modified plan still has not been performed, nor has Amended Schedules I and J and/or proof of updated income been provided to show feasibility. As a result, the Trustee recommended this matter be held for Your Honor on January 8, 2025.

The afternoon prior to the hearing, Debtor's counsel contacted the undersigned advising they had no defense against dismissal of Debtor's case and no appearance would be made on January 8, 2025. The Trustee recommended dismissal of Debtor's case, and an Order Dismissing Case was entered on January 10, 2025.

Debtor now comes before the Court three (3) weeks after the Order Dismissing Case was entered on a Motion to Vacate Dismissal Order. Debtor states that her former employer has offered her job back and her brother will be contributing toward her monthly expenses; thereby, now allowing Debtor the ability to propose a feasible plan going forward.

There has been no change since Debtors' case was dismissed. Debtor has not filed Amended Schedules I and J to include her employment at Harrah's Resort and Casino and/or to list the contribution income. Debtor has not provided a contribution letter, proof of income for the contributor, nor has the Trustee received copies of current pay advices. It is the Trustee's position that Amended Schedules I and J and proof of current income should be provided prior to hearing to support the Debtor's assertions set forth in the motion.

Based on the foregoing, the Trustee respectfully requests that Debtor be required to file Amended Schedules I and J, and provide proof of current income to prove feasibility prior to entry of an Order Vacating Dismissal Order.

As always, please feel free to contact this office with any questions or concerns.

Respectfully submitted,

s/ Andrew B. Finberg

Andrew B. Finberg
Chapter 13 Standing Trustee

ABF/jpa

cc: Jeffrey E. Jenkins, Esquire (Via ECF/CM)
Josephine Miller (Via First Class Mail)